

REMARKS

In view of the above amendments and the following remarks, reconsideration and withdrawal of the rejections of the claims is respectfully requested. Claims 1-33 currently are pending. By way of the present response, claims 1, 9, 17 and 19 have been amended and claims 8, 10, 18 and 20 have been canceled without prejudice or disclaimer. Claims 4-6 and 28-30 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a non-elected species. Consequently, claims 1-3, 7, 9, 11-17, 19, 21-27 and 31-33 remain pending for consideration with claims 1 and 17 being independent.

On page 2 of the Office Action, claims 1-3, 7-27 and 31-33 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. Pub. 2003/0041765 to Hill (Hill). Regarding independent claims 1 and 17, the Office asserts on page 2 of the office action that Hill teaches “a system (See Figure 1) that includes a server (computer, See Figure 1, Element 12; Page 1, Paragraph 0009), which has a modeling module (included within the print agent, See Figure 2, Element 28) for receiving modeling parameters from a plurality of remotely located print shops (receives bids from print shops, See Page 2, Paragraph 0019, such that the bids include the time period to complete the job, cost, etc., See Page 2, Paragraph 0018) and generates model output data (selects the successful bid based on the criteria received, See Page 2, Paragraph 0020), such that the modeling module is configured to perform model hypothetical studies based on the modeling parameters (prior to selecting the optimal bid, the print agent uses cost, time to complete the print job, proximity, etc. as a factor in the final selection, See Page 2, Paragraph 0021).” The Office further asserts that the rationale provided in the rejection of claim 17 corresponds with the method of claim 1 and therefore performs the claimed steps.

However, Applicants’ amended independent claim 1 recites, *inter alia*, the features of “wherein the modeling parameters include print shop organization information for each respective remote print shop, and wherein the print shop organization information includes at least one of equipment and labor resources available at each of the print shops, the capacity of the equipment resources, failure history of the equipment, repair history of the equipment, and the production costs per unit time used for each resource including equipment and labor and material parameters.” Furthermore, Applicants’ amended independent claim 17 recites, *inter alia*, the features of “wherein the modeling parameters

include print shop organization information, and wherein the print shop organization information includes at least one of equipment resources available at each print shop, the capacity of the equipment resources, failure history of the equipment, repair history of the equipment, the production costs per unit time used for each resource **including equipment and labor and material parameters**, resource performance fluctuations, difference in performance across operators and resource material related dependencies.” (See Applicants’ specification at paragraphs 13, 14, and 30.) Hill fails to teach or suggest these features. Hill only broadly discloses the cost of completing the print job (see paragraph [0018] of Hill). Hill is silent to any teaching of the feature of the print shop organization information including the production costs per unit time used for each resource including equipment and labor and material parameters, as presently claimed.

The claimed subject matter facilitates the ability to access modeling services which provides a significant savings to a print shop when compared to the capital expenditures required of dedicated modeling services. A centralized location for the server enables the capital expenditure of the system to be shared by several remotely located print shops who subscribe to the system, thereby drastically reducing the cost to each print shop and without degrading the quality of modeling services available to the subscribing print shops. Print shop managers may access the server which may be in communication with the equipment in their print shop and quickly determine the capacity of their print shop to handle new jobs. Over time, information about each remote print shop and the corresponding print jobs may be collected by the server and stored in a database. The collected information may then be used to analyze the mix of jobs performed by a remote print shop and the results of that analysis may be used to establish a more efficient print shop layout.

For anticipation under 35 U.S.C. § 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claims are not found either expressly or inherently described as required by the M.P.E.P., Hill cannot be said to anticipate the invention as claimed. Hence, withdrawal of the rejection is respectfully requested.

In view of all of the foregoing, Applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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